IN RE: PETITION FOR ZONING VARIANCE E/S York Road, 96.26' W and 181.10' S of the c/l of DEPUTY ZONING COMMISSIONER La Paix Lane (7402 York Road) OF BALTIMORE COUNTY 9th Election District

> York Lane Ltd. Partnership \* Petitioners \* \* \* \* \* \* \* \* \* \*

4th Councilmanic District

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case No. 88-461-A

The Petitioners herein request variances to permit a side yard setback of 25 feet in lieu of the required 33 feet and an area of 17.5% for open space in lieu of the required 20%, all as more particularly described in Petitioner's

The Petitioners, by Robert J. Aumiller of Clark Mackenzie & Associates, Inc., General Partners, appeared, testified, and were represented by Counsel, Stephen J. Nolan, Esquire. Also appearing on behalf of the Petition was Charles K. Stark of G. W. Stephens, Jr. & Associates. The following persons appeared, not as Protestants, but as interested parties: Craig W. Parker, President of the Wiltondale Improvement Association, Inc., and Daniel E. Harris, an adjoining

Testimony indicated that the subject property, known as 7402 York Road, is improved with a two-story masonry building with basement level and has a to-Lital of 22,135 sq.ft. of floor area space. Testimony indicated that the subject building was constructed in 1977 pursuant to the zoning regulations then in effect for the property, which was zoned D.R. 16. Subsequently in 1980, the zonling was changed from D.R. 16 to O-1. The Petitioners recently filed a Petition Cor Special Exception for a use permitted in an O-1 zone by special exception in Lase No. 88-336-SPX. At that time, the Petitioners realized that variances were required to bring the building into compliance with the 0-1 regulations and shortly thereafter, the instant Petition was filed.

The Petitioners testified that the building was constructed in good

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Partnership legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special plat attached hereto and made a part hereof, hereby petition for a Special Plat attached hereto and made a part hereof, hereby petition for a special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amondment to the site plan and the Order of the Board of Appeals (Case No. 75-125-XSPH) dated November 29, 1977 to revise conditions and restrictions numbers 3,6,9 and 10 conditioned in said Order in accordance with the provisions of the Amendment to Agreement dated March 25, 1980, to be recorded among the Land Records of Baltimore County, which Amendment to Agreement is attached hereto and considered a part hereof.

Property is to be posted and advertised as prescribed by Zoning I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are posting, etc., upon filing of this petition, and fattern of Baltimore County to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

York Lane Limited Partnership \*\*\* By: Clark F. MacKenzie Legal Owner Contract Purchaser Address\_10907\_Folls\_Bood\_\_\_\_\_ Address\_\_\_\_\_ Lutherville, ND 21993 \*

Bruce Aldermaretitioner's Attorney

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\* Address 305 W. Chasaneake Avenue Towson, Maryland 21204 / ORDERED By the Zoning Commissioner of Baltimore County, this 17 29th

day of April ,19880, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of June 19620. at 9:30 \_o'clock \_\_A.M.

Zoning Commissioner of Baltimore County

Protestant's Attorney

faith and in conformance with the then applicable zoning regulations. Testimony indicated that the building cannot be modified to be in strict compliance with the O-1 regulations without substantial loss and damage to the existing improvements. The Petitioners argued that to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship. Testimony indicated that the Petitioners have no intention of expanding the building or dividing the property and Petitioners agreed it would not change the site plan, identified herein as Petitioner's Exhibit 1, without filing for a special hearing or whatever petition would be deemed appropriate and another public hearing held.

Craig W. Parker testified that the Wiltondale Improvement Association is not opposed to the request made by the Petitioners provided there will be no change to the present situation and/or loss of parking spaces.

The Petitioners seek relief from Sections 204.4B(1) and 204.4B(3) pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area Evariance, the Petitioner must meet the following:

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variances were granted, such

use as proposed would not be contrary to the spirit of the B.C.Z.R. and would

Pursuant to the advertisement, posting of property, and public hearing on the

1. The subject property was granted a special exception for an office building and denied a use permit for parking in a resi-

dential zone by Order of the then Zoning Commissioner,

2. Appeals to the aforesaid Orders were filed by both the Peti-

3. The Board of Appeals concurred with the Zoning Commission-

er by Order dated April 26, 1977. Said Order was appealed

to the Circuit Court for Baltimore County by the Petitioners

on May 24, 1977, and by the Protestants on May 25, 1977.

S. Eric DiNenga, dated May 22, 1975, which set forth certain

restrictions (Case No. 75-125-XSPII). Said Order was amend-

Petition and it appearing that by reason of the following finding of facts that:

tioners and the Protestants on June 23, 1975.

ed by Order dated June 11, 1975.

not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 300 day of June, 1988 that the Petition for Zoning Variance to permit a side yard setback of 25 feet in lieu of the required 33 feet and an area of 17.5% for open space in lieu of the required 20%, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the fol-

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioners shall not add to the building, subdivide the property, and/or modify the site plan of the property as set forth in Petitioner's Exhibit 1, without filing the appropriate Petition with the Office of Zoning and another public hearing held, if required by the then zoning regulations and/or if deemed appropriate by the Zoning Commissioner's Office.

> IL Al Nontower ANN M. NASTAHOWICZ Deputy Zoning Commissioner of Baltimore County

> > Dennis F. Rasmussen

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

eld: NMA

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June 3, 1988

Stephen J. Nolan, Esquire Nolan, Plumhoff & Williams Suite 1105, Hampton Plaza Towson, Maryland 21204

Case No. 88-461-4

RE: Petition for Zoning Variance E/S York Road, 96.26' W and 161.10' S of the c/l of La Paix Lane (7402 York Road) 9th Election District, 4th Councilmanic District

York Lane Limited Partnersh p - Petitioners

Dear Mr. Nolan:

Enclosed please find the decision rendered on the above-referenced case: The Fetition for Zoning Variance has been Granted subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

& MNistania ANN M. NASTARCHICZ Deputy Zoning Commissioner of Baltimore County

Enclosures

cc: Mr. Craig W. Parker, President Wiltondale Improvement Association, Inc. P.O. Box 10116, Towson, Md. 21204 Mr. Daniel E. Harris 119 La Paix Lane, Towson, Md. 21204

People's Counsel

PETITION FOR ZONING VARIANCE

TO THE ZOUING COMMISSIONER OF BALTIMORE COUNTY: 88-461-A The undersigned, legal owner(s) of the preperty situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 204.4 B-1 to permit a side yard setbock of 25 feet in lieu. of the required 11.0 feet which is the average height of the building and from Section 204,4 3-1 to permit an area of 17.51 1.206 Act for open space in lieu of the required 20% (.235 Ac. )
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

following reasons: (indicate hard thip or practical difficulty) The subject site was developed prior to the effective date of the 0-1 regulations. Minimal variances are needed to fully conform the site plan to the 0-1 zoning requirements.

Demands to an an annual and advertised as prescribed by Zoning Regulations. ve Variance advertising, posting, etc., upon filing of this a bound by the zoning regulations and restrictions of Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we great Casu are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): S York Lane Limited Partnership (Type or Print Name) DY: Clark Y. Mne W Clark F. MacKenzie General Partner

W NE TA

N-32,110

2328 West Joppa Road Address Suite 200 Lutherville, MD 21093 Name, address and phone number of legal owner, co

Joseph A. Warfield
Name MacKenzie & Associates TOWKER PER ALEMAN 2328 W. Joppa Road 821-8585 Attorney's Telephone No.: 823-7800 Address Lutherville, MD 21093 9th ORDERED By The Zoning Commissioner of Baltimore County, this

County, on the 94th day of MAY, 1988, at 10 o'clock

o latera of heapths (-1/203.

TOX. /TOLD. / CO. - GTAT THO MONTHS (Over) REVIEWED EYI UCU DATE 2/29/88

> PROMITTE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. FO BOX 6628, TOWNIN, MARYLAND 21279

> > October 29, 1987

For Special Exception for Personal Care Establishment. Beginning for the same at a point on the upper level elevation 491.5 of an existing office building distant 181.10 feet from the centerline of La Paix Lane 33 feet wide and distant 96.26 feet from the centerline of York Road 66 feet

wide thence running parallel with La Paix Lane 1 - North 78" 54' 29" West 49.7 feet thence

2 - South 11\* 05' 31" West 19.35 feet thence

3 - North 78° 54' 29" West 1.6 feet thence

Description to Accompany Petition

4 - South 11° 05' 31" West 5.2 feet thence 5 - South 78\* 54' 29" East 37.35 feet thence

6 - North 11° 05' 31" East 8.6 feet thence

7 - South 78° 54° 29" East 12.35 feet and thence 8 - North 11° 05° 31° East 16.0 feet to the place of beginning.

Containing 1124 square feet or 0.026 acres of land more or less.

This is a description of Suita #301 on the 3rd level of the existing office building at 7402 York Road and is for zoning purposes only.



CFFICE CUPY-

(ovar)

4. The Honorable John E. Ruine remanded the case to the Board of Appeals "for clarification of its aforesaid Order, and the taking of any additional appropriate testimony", which resulted in an Order of the Board of Appeals, dated November 29, 1977, setting forth conditions and restrictions as more fully set forth in the Restrictive Covenants Agreement between the parties, dated November 23, 1977, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 5871, folio 213 (Petitioner's Exhibit No. 2).

5. Subsequent thereto, the property was transferred to York Lane Limited Partnership, wherein the subject Petition for Special Hearing to approve "an amendment to the site plan and the Order of the Board of Appeals (Case No. 75-125-XSPH) dated November 29, 1977 to revise conditions and restrictions numbers 3, 6, 9 and 10 conditioned in said Order" was filed.

6. The Petitioner and the Protestants herein have entered into an Amendment to Agreement, dated March 25, 1980, amending the original Agreement of November 23, 1977, and, thereby, have necessitated amendments to the Order of the Board of Appeals, specifically Paragraphs 3, 6, 9, and 10. In addition, they agreed at the time of the hearing to omit from any Order Subparagraph (d) of Paragraph 6 and, further, that the original Agreement shall remain in full force and effect except to the extent of the amendments made by the Agreement of March 25, 1980.

7. The Amendment to Agreement, as hereinbefore referred to, is to be recorded among the Land Records of Baltimore County. and, therefore,

IT IS ORDERED by the Zoming Communitationer of multimore County, this \_\_\_\_\_\_\_\_ day of June, 1950, that the Order of the Board of Appeals, dated November 29, 1977 (Case No. 75-125-XSPrI), together with the Restrictive Covenants Agreement between the Petitioners, described as the owners and the contract purchaser therein, and the Protestants, described as the residents therein, dated November 23, 1977, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 5871, folio 213, should be and the same are hereby AMENDED as follows:

Jorge-Pluse und Lonfully William F, Chow, et al - 10/378/6753 -Octobel) of changes,

The famon Commentum of the timer County by enforcing of the timer County by enforcing of the many County and body a protest of the timer or famous as of the County of the timer or famous as of the County Cities fluidays, beauty at 111 M Chengente Avenue in 111 M Chengente Avenue in Sevena, the timer of timer of the timer of ti E RE: JETITION FOR SPECIAL EXCEPTION for Offices and Office Building and ON REMAND Although this Board is not controlled nor directly effected by covenants It is FURTHER ORDERED that all of the other terms, provisions, and restric-SPECIAL HEARING for Off-Street 1. Condition and restriction No. 3 of said Order is hereby amended FROM THE tions of the Order of the Board of Appeals, dated November 29, 1977, not herein amend-Parking in a residential zone between Petitioners and Protestants, It is impressed by those proposed in this case and to read as follows: SW corner of York Roud CIRCUIT COURT and LaPaix Lane agreed to by the Petitioners. Accordingly, the Board will amend its Order of April 26, ed, as well as the terms, provisions, and agreements of the respective parties contained There shall be no exit or entrance from the subject property? 9th District to La Paix Lane and certain trees along La Paix Lane, which FOR 1977, by reiterating the conditions imposed therein and by adding conditions as stipulated in the Restrictive Covenants Agreement, dated November 23, 1977, recorded as aforeshall reasonably be determined by the builder to be discased, William F. Chew, et al shall be removed. Some of these trees exist along the northern MALTIMORE COUNTY. said, and not amended by the Amendment to Agreement, dated March 25, 1980, shall by the parties hereto, May 26 1988 / 2 5080 0.50.

Interest - special a cale yand orbital 25 tons - 1 hear of the responsed at whis is the orbital desirable benished and from the responsed benished for open opens in loss of the required 20° ( 250 Act).

In the arvent that this Prestam is passived, a building parent may be secured within the thirty (20) day appeal persent. The Zennic Connectioners will, become, orbitals, any require for a story of the isomeror of and percent during this present for good cases observe, Such request surifice to in writing and received in fast others by the date of the hearing of above or presented at the hearing of a service of the security. property, as well as within the street right-of-way line. The 7400 York Road Partnership developer will expeditiously notify appropriate departments in AT LAW Contract Purchaser ORDER remain in full force and effect, as if fully incorporated herein, as conditions and re-Baltimore County regarding said tree removal. Misc. 10/378/6253 2. Condition and restriction No. 6 of said Order is hereby amended strictions in this Order, subject, however, to the following: For the reasons set forth in the aforegoing Opinion, it is this 29th day to read as follows: Zoning File #75-125-XSPH 1. A revised site plan shall be submitted, incorporating therein or of Navember, 1977, by the County Board of Appeals, ORDERED that we reaffirm our Vehicle parking shall be substantially designated as on Exhibit A, therson the conditions and restrictions contained herein as amendattached to the Amendment to Agreement, dated March 25, 1980, ments to the Order of the Board of Appeals, dated November 29, decision of April 26, 1977 as for as granting the special exception and denying the special and considered a part hereof by incorporation by reference hereto. The exterior of the building and surrounding areas shall be lightpermit for parking. The conditions and restrictions imposed in the aforementioned Order This case came before the Board on an appeal from the Order of the Zoning 2. Said revised site plan shall be approved by the Maryland Departed substantially as follows: ment of Transportation, the Department of Public Works, and the Commissioner, which granted the special exception for offices and office building and denier a. , Four lights along the western line of the parking lot, Office of Planning and Zoning. located either on the curb or on the inside of the curb, The maximum height of the building must be thirty-five the requested off-street parking in a residential zone. From that decision both the having a maximum height above the parking lot of five (35) feet. feet. These lights shall be shielded along the tops and Petitioner and Protestants appealed. The maximum square footage of said building shall not exceed 10,000 square feet per floor. This case was heard before the Board of Appeals of Baltimore County, at b. Four lights, one at each corner of the building, having a maximu:n height of four feet. These lights shall be There shall be no entrance or exit from LaPaix Lane onto which time substantial evidence was produced on behalf of the Petitioner and the Protestants shielded and emit a soft light. the subject property, and the trees existing within the street right-of-way shall not be destroyed by the Petitioner to the subject proposal. Following the hearing, an Opinion and Order thereon was c. Three lights, one at each entrance way along the westor subsequent developer. ern side of the building, located six feet above the enhanded down by this Board on the 26th of April, 1977. trance threshold, each having a seventy-five watt max-A site plan must be approved by the State Highway imum alumination and each shielded so that the light Administration, the Department of Public Works, and Subsequently, this case, on timely appeal, was heard by the Circuit Court flows downward only. the Office of Planning and Zoning. for Baltimore County, The Honorable 'John E. Raine, Jr. presiding. From that tribunal 3. Condition and restriction No. 9 of said Order is hereby amended The building shall: to read as follows: the case has been remanded to this Board by Judge Raine for clarification of its aforesaid a. Be located on the lot as shown on the plat May 24, 1988 at 10:00 a.m.

Vanance to permit a nide yard net-back of 25 fort in lieu of the required 30 0 feet which is the average height of the building and from Section 254 d 8-3 to permit an area of 17 5% (206 Act) for copen apare in lieu of the required 20% (225 Act), for the event that the Pottian is garanty, a building permit way be provided by a partial the Lawring Communities of the Lawring the permit for 5-3d conservations. Such required for 5-3d conservations, Such required for the time vertice and securing and received in that between the date of the beauty of above as presented at the beauty of a There shall be no retaining wall along the western boundary or any entitled "Exhibit A Plat to Accompanying Order, and the taking of any additional appropriate testimony. other boundary of the subject property. Along the western boundary Special Agreement," which plat is attached herata and labeled Exhibit A. line of the property, the builder shall cause a fence of redwood con-This case was scheduled for hearing on October 13, 1977, at which time struction to be erected. This fence shall be six feet high, constructed immediately adjacent to the outside of the parking lot curb, and shall b. Be predominantly of brick construction, with counsel for all parties entered into a stipulation that all differences had been resolved by connect with the existing fence on the lot immediately adjacent to the such brick being of either a brownish hue or south of the subject property. The builder will also cause a similar approximately the same shade as those bricks entering into an agreement containing covenants which were mutually acceptable to all fence to be erected along the La Paix Lane side of the subject propcontained in the adjacent building known as erty, immediately adjacent to the outside of the parking lot curb. 7400 York Road. The building window Interested parties; said covenants which are or are intended to be recorded among the land This fence shall extend from the fence along the western boundary frames are to be of steel or anodized aluminum line to a point directly in line with the rear or westernmost building with single or multiple glass panes. Windows records of Baltimore County. At the time of the hearing, a revised development plat to line of the improvements constructed by the builder. are to be spaced on north and west sides as shown on plat entitled "Window Layout for accompany the agreement between all parties of this case was submitted to the Board, and 4. Condition and restriction No. 10 of said Order is hereby amended Proposed 3-Story Office Building, York Road by adding thereto as follows: and LuPaix Lane, Baltimore County, Maryland, will be referred to as the Board's Exhibit A. Additionally, a list of proposed conditions The area connectately adjacent to the outside of the fence along the north ar La Pala Lane lot line shall be acreen planted with trees and which had been agreed upon by the parties to this case were submitted to the Board, which Parathusa his the West in postation of an algorithm encomposted those conditions contained in our Order of April 26, 1977, as well as additional ● AREA AT N. 12°27'10"E. 225.00' + 79FT. MINIMUM EXISTING ZONING LINE-WINDOW LAYOUT FOR PROPOSED 3-STORY OFFICE BUILDING - York Road & LaPaix Lane PROPOSED PARKING SPACES Baltimore County; Maryland William F. Chew, et al - 10/378/6253 William F. Chew, et al - 10/378/6253 August 30, 1977 Note: Windows to be steel or Anodized Aluminum and are to be as shown August 30, 1977, " which plat is attached PROPOSED PARKING SPACES as to location plus or minus 2 Ft. hereto and labeled Exhibit B; provided, Any appeal from this decision must be in accordance with Rules B-1 thru Glass to be as shown and/or single or however, there shall be allowed a variance of plus or minus two feet in such spacing. multi-pane PROPOSED PARKING SPACES B-12 of the Maryland Rules of Procedure. The windows shall be of the approximate size as shown on such plat. c. Be of a height, including the parapet along **COUNTY BOARD OF APPEALS** 477 £± (35 Ft. High) - 1917-51 the roof, not to exceed 35' above elevation OF BALTIMORE COUNTY of 477.5' at west side of proposed building and not to exceed 32.5' above elevation of 480' at east side of proposed building, all as shown on Exhibit A. Have that exterior air conditioning equip-PROPOSED 3 STORY OFFICE BUILDING APPROX SCALE! - 18'-1' O" ment situated on the roof placed as close as 10,000 SQUAREFEET/FLOOR possible to the center of the roof. Vehicle parking areas shall be as delineated on Exhibit A and possibly in front of the building and shall not be lighted. FIRST FLOOR ELEV- 4772 \* e parking lot shall contain a sufficient number of storm water drains so as to assure that there is no more surface 143'± water runoit onto Laraix Lane of anto properties located contiguous to the subject property than presently runs off. (32.5 FT. HIGH) Trash collection bins or dumpsters shall be located near the -subject lot's southerly property line no closer than sixty (60) feet to the westernmost property line. here shall be a retaining wall of brick construction along the western edge of the proposed parking area as described YORK ROAD in paragraph number 3 of the General Notes as shown on \_ CEX.4' Cong. Wolks Exhibit A. There shall be constructed atop the retaining wall a 5' high redwood weave fence. The retaining wall and the five foot redwood weave fence shall be properly

ING LINE

· 27 /4"

maintained by the owner of the proposed office building.

Screening along the west lot line of "Area A" and the north lot line in the area labeled "Proposed Planting Area" to a

point adjacent to the northeastern corner of the area labeled "Proposed Parking Spaces" north of the proposed office build-

ing, all as shown on Exhibit A, shall be one of the following:

which screen trees shall be of a minimum height of five feet

to six feet and the trunks of which shall be on two and one-

Canadian hemlock, leyland cyprus,

-American arborvitae, nigra arbor-

vitae or techny arborvitae.

half to three foot centers.

EROAD 7

· EX 17

CENERAL NOTES

2. Area "A" shall be properly maintained by owner of office building.

3. For special treatment along property line between points "X" and "Y" see Exhibit "B" showing wall, where 5'6" max. height will be at

4. Existing trees along LaPaix Lane for the office site frontage on the

6. All landscaping provisions shown hereon are to be considered minimum. Owner reserves the right to provide additional landscaping, if and

south side between the existing edge of paving and the right of way

line shall not be disturbed in conjunction with the development of

Elevations shown thusly (34.5 ft. high) shall be maximum to roof level.

1. Elevations shown thusly 476 are maximum elevations.

Point "Y" varying to 1'0" min. height at Point "X".

the office building site.

as required by Baltimore County.

--- PARTIAL WEST SELEVATION ...

"DUPLICATE"

"DUPLICATE"

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in the TOWSON TIMES, a weekly newspaper printed

TOWSON, MD., 1988

TOWSON TIMES.

Susan Sender Obrest

May 5 10 88

37.50

58.00

TOWSON, MD. 10. 13

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Mr. Joseph A. Mosfield Packenzia & Associates 23723 No Joseph Road Utherville, Maryland 2104

> Petition for Ioning Verience Com Munhaes 86-461-A E/S York Hond, vo.26" b of c/l one 181.10" \$ of c/l of Le Paix Lone (7402 York Road) 9th Election District - 4th Councilments District

Petitioner(a)s York Lang Limited Partnership

Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

MAY 1 O 1888

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21001 (15) minutes before

No. 52743 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION and post set(s), there MISCELLANEOUS CASH RECEIPT for each set not RO1-615-000 Tolan, Plunkoff & WMS CK# 20300) B 625 \*\*\* \* 11050: \* 82 6 - 411 - A VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Hainer

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Verience E/S York Road, 96.25° W of c/l and 181.10° S of c/l of La Paix Lane Case Number: 88-451-A Sth Election District - 4th Councilmanic District Patitioner(s): York Lane Limited Partnership HEARING SCHEDULED: TUESDAY, MAY 24, 1968 at 16:00 c.m.

Variance to permit a side yard setback of 25 feet in lieu of the required 33.0 feet which is the average height of the building and from Section 204.4 9-3 to permit an area of 17.5% (.205 Act) for open space in lieu of the required 20% (.235 Act).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cas Stephen J. Nolen, Esq. Joseph A. Werfield/RacKenzie & Associates CERTIFICATE OF POSTING REPARTMENT OF BALTIMORE COUNTY

Positioner: York Long Lingitab Portrag shing Location of property: VE/S Youls Rd. 96,76 to 4 186,10' 5 to Pair Louis. 71103 York RX Location of Signer France Levil At Alice 11 Fr xca distances 

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Hal Kassoff

3-16-88-0

March 10, 1988

RE: Baltimore County

Partnership

Item #306

W/S York Road Maryland Route 45

York Road Limited

South of La Paix Lane

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a sideyard set back of 25' in lieu of the required 33', the State Highway Administration-Bureau of Engineering Access Permits finds

If you have any questions, please contact Larry Brocato of this office.

Very truly yours. KULITON CA Creston J. Mills, Jr. Acting Chief-Bureau of Engineering Access Permits

LB/es

cc: G.W. Stephens, Jr. and Associates



My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro = 565-0451 D.C. Metro = 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

89-451-4

Petitioner's

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of Manch

York Lane Limited Petitioner Perticration

Attorney Stephen J. Holan, Esquire

James E. Prot Received by: Chairman, Zoning Plans Advisory Committee

the firment was to have the second

LAW OFFICES NOLAN, PLUMHOFF & WILLIAMS

HEWTON A. WILLIAMS WILLIAM M. HESSON, JR. THOMAS J. HENNEH WILLIAM P. ENGLEHART, JR. WILLIAM P. ENGLEHART, STEPHEN J. NOLAN\* POBERT L. HANLEY, JR. ROBERT B. GLUSHAKOW DOUGLAS L. BUNGESS LOUIS G. CLOSE, III THOMAS N. ALDERMAN

TALBO ADRITTED IN D.C.

CHARTMAND SUITE HOS, HAMPTON PLAZA 300 EAST JOPPA ROAD Towson, Maryland 21204-3012

RANDALLSTOWN, MARYLAND 21133 (30) 028-8(8) (30) 833-7600 TELEFAR(1301) 284-2766 January 26, 1988

OF COUNERL

RALPH E. DEITE

9026 LIBERTY ROAD

Mr. W. Carl Richards Zoning Development Control Section County Office Building Towson, Maryland 21204

> Re: 7402 York Road -REQUEST TO CONSOLIDATE PETITION FOR ZONING VARIANCES with Special Exception Case No. 88-336X Hearing Date: February 29, 1988 @ 2:00 p.m.

Dear Mr. Richards:

I am enclosing herewith for filing three signed copies of a Petition for Zoning Variance on behalf of York Lane Limited Partnership. Also enclosed are the requisite site plans and zoning description as prepared by the firm of George W. Stephens and Associates.

This petition is directly related to the petition for special exception filed by The Body Company, Ltd. which is case no. 88-336X and is scheduled to be heard on February 29, 1988

We respectfully request that these two cases be immediately consolidated and heard at the same time on February 29. I believe that this approach was discussed during our last meeting with Mr. Dyer and Mr. Dan Walter of The Body Company, Ltd. Substantial hearing time and other resources will be conserved if these matters are promptly consolidated and advertised for hearing at the same time.

Thank you for your kind assistance.

Stephen J. Nolan

SJN/emd

cc: Mr. James E. Dyer Zoning Supervisor

cc: Robert J. Aumiller, Esquire Senior Vice President MacKenzie and Associates

> Mr. Joseph A. Warfield Charles E. Fick, P.E.

Mr. Daniel Walter, Jr., Vice President The Body Company, Ltd.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zaning Commissioner

Date\_\_\_\_April 13, 1988

P. David Fields FROM Director of Planning and Zoning Zoning Petition Nos. 88-443-A. 88-447-A, 88-449-A, 88-450-A, SUBJECT 88-458-A, 88-459-A, 88-461-A, 88-463-A

There are no comprehensive planning factors requiring comment on this

P. Pavid Fields per Jo Howell P. David Fields

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 6, 1988

COUNTY OFFICE BLOG. 111 H. Chempeake Ave. Townon, Maryland 21200

Stephen J. Holan, Esquire Suite 1105, Hampton Plaza 300 East Joppa Road Towson, Maryland 21204

Engineering Department of Traffic Engineering State Roads Commission

Pureau of Fire Frevention Health Department Project Planning Building Department Board of Education

RE: Item No. 306 - Case No. 88-461-A Petitioner: York Lane Limited Partnership Petition for Zoning Variance

Dear Mr. Nolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Janes 4 Dyer/se VAMES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures

JED:dt

cc: George William Stephens. Jr. and Associates, Inc. 303 Allegheny Avenue Towson, Maryland 21204

Bultimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke Char

J. Robert Haines

Zoning Commissioner Office of Flanning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: York Lane, Ltd. Partnership

Location: E/S York Rd., 96.26' W. of c/1 181.10' S c/1 La Paix La.

Item No.: 306

Zoning Agenda: Meeting of 3/8/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(  $_{\mathbf{y}}$  ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Cole prior to occupancy or beginning of operation.

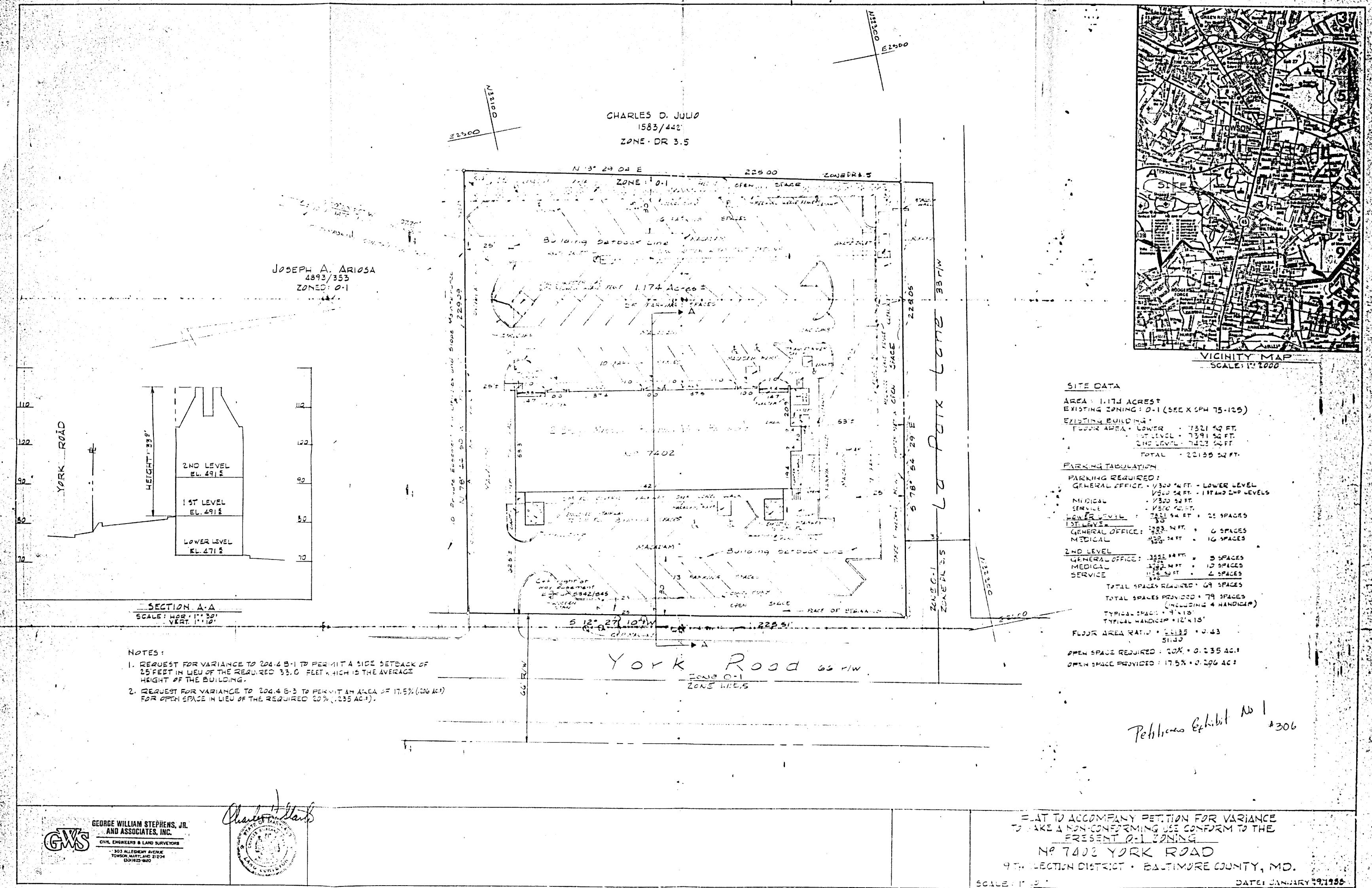
(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Nation-1 Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

\*pecial inspection Division

/jl



AN 241724